

COMMENTS ON DRAFT STAFF ANALYSIS
Peace Officers Procedural Bill of Rights

05-RL-4499-01

COMMENTS BY THE COUNTY OF ALAMEDA

I, Gregory Morgado, state:

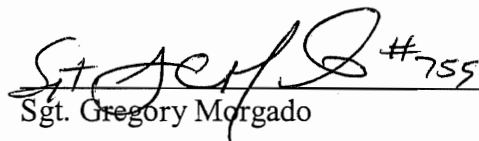
I am a Sergeant with the Alameda County Sheriff's Office. I have been with the Sheriff's Office for the past 22 years, and as of next month, I will have been in the Internal Affairs Department for 2 years. In this department, I supervise 2 deputies looking into allegations of misconduct, and I report to my Captain.

It takes substantially more time and much more effort to interrogate a sworn officer under the Peace Officers Procedural Bill of Rights than it does to interrogate a witness who is not a sworn officer.

When one is interrogating a witness, it is much easier and requires less preparation because it is more of a search to confirm or deny claimed acts brought to light in the complaint. This interview is a more relaxed "conversation" that takes place without any advance warning, and is a search for what information the witness might know.

However, when you are interrogating a sworn officer under the Peace Officers Procedural Bill of Rights, it is much more difficult and requires more preparation. First of all, the subject officer is forewarned. That officer has the ability, given 72 hours notice or more, to construct a plausible explanation for questionable behavior. This time allows him to contact counsel, witnesses, involved parties, and determine answers to questions that might be more advantageous to his "side" of the story. Typically, the subject officer is the last party contacted because the investigator must attempt, via preliminary investigation, to counter any version of the events should that version given by the subject officer contradict that which is claimed by the complaining party. Ten hours of investigation must be conducted before an interview that might take 30 minutes. The subject interview is designed to be accusatory and focused. The subject officer is entitled to have the representative of his choice, who is generally present at the interview that is tape recorded.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed this 15th day of March, 2006 at Oakland, California.

 #755
Sgt. Gregory Morgado